



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

sn

BJG
Docket No: 7254-01
11 February 2002

SSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

It is noted that the Commandant of the Marine Corps (CMC) has modified the contested fitness report for 17 April to 31 December 1999 by changing the beginning date to 18 June 1999, and adding "MRO [Marine reported on] attended and completed Joint Aviation Supply Maintenance Management Course."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 14 September 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1610
MMER/PERB
14 SEP 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED], [REDACTED] USMC

Ref: (a) SSgt. [REDACTED] DD Form 149 of 14 Jun 01
(b) MCO P1610.7E w/Ch 1

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 September 2001 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 990417 to 991231 (AN)
- b. Report B - 000101 to 000229 (CH)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner states she had two major changes of duties/responsibilities, and per reference (b), she should have received three separate performance evaluations. She also believes that Report A is incomplete since it fails to list periods of nonavailability, her completion of a formal school, and a lack of opportunity to attend resident Professional Military Education (PME). Finally, the petitioner observes the beginning date of Report A is incorrect and offers her belief that the markings in Sections D, E, F, and G do not reflect the verbiage contained in Section I. As an extension of Report A, the petitioner also objects to Report B. To support her appeal, the petitioner furnishes copies of the challenged reports, Page 3 from her Service Record Book (SRB), and travel orders for the Joint Aviation Supply and Maintenance Management Course.

3. In its proceedings, the PERB concluded that, with two minor exceptions, both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

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SERGEANT [REDACTED] USMC

a. The petitioner is correct concerning the beginning date (Item 3b) of Report A and failure of the Reporting Senior to credit her with attending the Joint Aviation Supply and Maintenance Management Course. The Board has directed correction of the report as indicated below and does not view either of these items as invalidating factors:

(1) Item 3b - Change to read "19990618"

(2) Section I - Addition of the following comment: "MRO attended and completed the Joint Aviation Supply Maintenance Management Course."

b. The petitioner is incorrect that her periods of non-availability should have been annotated and that she requested but was not given the opportunity to attend resident PME. Since her nonavailability did not encompass 30 or more consecutive days, no entry was required. Likewise, reference (b) does not require a mandatory comment that the Marine requested and was not given an opportunity to attend resident PME.

c. Contrary to the advocacy statement furnished by Master Gunnery Sergeant [REDACTED] (USMC (RET)) that the petitioner had a significant job change from June to August 1999, Page 3 of her SRB reflects no such change in primary duty.

d. The petitioner's implied contention that [REDACTED] did not review her billet description early in the reporting period is not substantiated. We also find nothing contradictory between any of the marks in Sections D, E, F, and G and the comments in Section I. Specifically, the Board points out that comments supporting assigned marks are not required unless they are ratings of A, F, or G.

e. No evidence has been furnished to refute the validity of Report A. Absent such documentation, Report A, and its extension at Report B, is viewed as a legitimate and objective portrayal of the petitioner's performance during the stated periods.

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4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Staff Sergeant [REDACTED] official military record. The limited corrective action identified in subparagraphs 3a(1) and 3a(2) are considered sufficient.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps